

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND)
COMPOUNDING PHARMACY, INC.) MDL No. 2419
PRODUCTS LIABILITY LITIGATION) Dkt. No. 1:13-md-2419-RWZ

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)
This Document Relates to:)
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)
Suits Naming the SSC Defendants)
)
)

**NOTICE OF OBJECTION TO CONTENT OF PROPOSED ORDER TO SHOW CAUSE
CONCERNING REMAND AND TRANSFER [Doc. 2917-1]**

Specialty Surgery Center, PLLC; Kenneth Lister, MD; and Kenneth Lister, MD, PC (collectively “SSC Defendants”) give notice to the Court and all parties of their objection to the content of the *Corrected [Proposed] Order to Show Cause Concerning Remand and Transfer* at Doc. 2917-1.¹

Given the lack of a written motion on this issue, the SSC Defendants were not provided the opportunity to be heard regarding the content of the proposed order. They file this notice simply to notify the Court that they intend to request modifications to the proposed order. Primarily, the SSC Defendants seek to have the SSC cases considered the same under the proposed order as the Premier and Box Hill cases, as all three are similarly situated.

The SSC Defendants’ counsel contacted Kristen Johnson of the Plaintiffs’ Steering Committee on June 1, 2016, regarding necessary modifications to the proposed order, and requested a “meet and confer” to discuss the changes. The parties will either promptly submit a joint amended proposed order, if they can agree, or the

¹ To be clear, the SSC Defendants do not file this objection to oppose remand of their cases.

SSC Defendants will submit a competing proposed order if the parties are unable to reach an agreement.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

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* Admitted pursuant to MDL Order No. 1.

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 1st day of June, 2016.

/s/ Chris J. Tardio
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